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DEMOCRATIC NATIONAL COMMITTEE

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January 26, 2009

VIA FACSIMILE and FIRST CLASS MAIL

Mr. Jeff S. Jordan
Federal Election Commission
Office of the General Counsel
999 E Street, NW
Washington, DC 20463

Re: MUR 6139 - Obama Victory Fund, Respondent

Dear Mr. Jordan:

This letter is in response to your correspondence regarding the Complaint filed in the above-referenced MUR. The allegations against the Obama Victory Fund are without merit and no action should be taken against either the Obama Victory Fund or Treasurer Andrew Tobias.

The Complaint was filed by Mary E. Daniels. The Complaint alleges that Obama for America ("OFA"), the principal campaign committee of President Barack Obama, as defined by 11 C.F.R. § 100.5(e)(1), and Obama Victory Fund ("OVF"), a joint fundraising committee established pursuant to 11 C.F.R. § 102.17 whose participants are the Democratic National Committee (DNC), a national party committee, as defined by 11 C.F.R. § 100.5(e)(4), and OFA, accepted contributions that exceed campaign contribution limits.

Ms. Daniels alleges that after examining "36,279 records" she found 20 donors who made excessive contributions to OFA. The Complaint does not indicate which "records" Ms. Daniels reviewed, but based on her review, Ms. Daniels requests "an audit of the Obama for America ... and Obama Victory Fund."

The Complaint has not alleged any facts that could establish any violation by OVF of the Federal Election Campaign Act of 1971 as amended (the "Act") or the Commission's regulations. Ms. Daniels alleges that certain individuals made contributions that exceeded contribution limits, but her allegations are not supported by

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any credible evidence. Ms. Daniels does not indicate where she received the information regarding the donors who allegedly made excessive contributions and appears to have presented the information in her own format rather than reflecting the original source, if any.

In addition, as a joint fundraising committee established pursuant to 11 C.F.R. § 102.17, OVF was legally permitted to accept up to \$33,100 per donor, making Ms. Daniels's allegation that donors had exceeded the "\$4,600 maximum" limit irrelevant. OVF had procedures in place to ensure that donors did not exceed any applicable limits to either OFA or the DNC. Specifically, all contributions received by OVF were matched to the donor records of OFA and DNC. The contribution of any contributor who exceeded their applicable limits to OFA when aggregated with prior contributions to OFA were reallocated to the DNC pursuant to 11 C.F.R. § 102.17(c). Any contribution when aggregated with prior contributions to both OFA and DNC were promptly refunded to the contributor.

Because Ms. Daniels lacks personal knowledge regarding any alleged violation and because she does not present any credible information that alleges any violation, the Complaint must be dismissed. See, Statement of Reasons for MUR 4960 (setting forth standard for dismissal of complaints and stating that "mere speculation . . . will not be accepted as true" and noting that "[c]omplaints not based upon personal knowledge must identify a source of information that reasonably gives rise to a belief in the truth of the allegations presented").

Because the Complaint does not allege any facts that could establish any violation, and because there were no violations, the Complaint must be dismissed and no action taken against OVF or Treasurer Andrew Tobias.

Sincerely,



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